

# PATENT COOPERATION TREATY

Alston & Bird

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7-19-05 RTA KG  
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JUL 18 2005

From the INTERNATIONAL SEARCHING AUTHORITY

To:

ALSTON & BIRD LLP  
Attn. Humphrey, Christopher M.  
Bank of America Plaza  
101 South Tryon Street, Suite 4000  
Charlotte, NC 28280-4000  
UNITED STATES OF AMERICA

NOTIFICATION OF TRANSMITTAL OF  
THE INTERNATIONAL SEARCH REPORT AND  
THE WRITTEN OPINION OF THE INTERNATIONAL  
SEARCHING AUTHORITY, OR THE DECLARATION

(PCT Rule 44.1)

Applicant's or agent's file reference  
30627/282653

Date of mailing  
(day/month/year)

13/07/2005

FOR FURTHER ACTION

See paragraphs 1 and 4 below

International application No.  
PCT/US2004/031910

International filing date  
(day/month/year)

29/09/2004

Applicant

R. J. REYNOLDS TOBACCO COMPANY

1. ☒ The applicant is hereby notified that the international search report and the written opinion of the International Searching Authority have been established and are transmitted herewith.

## Filing of amendments and statement under Article 19:

The applicant is entitled, if he so wishes, to amend the claims of the International Application (see Rule 46):

**When?** The time limit for filing such amendments is normally 2 months from the date of transmittal of the International Search Report; however, for more details, see the notes on the accompanying sheet.

**Where?** Directly to the International Bureau of WIPO, 34 chemin des Colombettes  
1211 Geneva 20, Switzerland, Facsimile No.: (41-22) 740.14.35

For more detailed instructions, see the notes on the accompanying sheet.

2. ☐ The applicant is hereby notified that no international search report will be established and that the declaration under Article 17(2)(a) to that effect and the written opinion of the International Searching Authority are transmitted herewith.
3. ☐ With regard to the protest against payment of (an) additional fee(s) under Rule 40.2, the applicant is notified that:

- ☐ the protest together with the decision thereon has been transmitted to the International Bureau together with the applicant's request to forward the texts of both the protest and the decision thereon to the designated Offices.
- ☐ no decision has been made yet on the protest; the applicant will be notified as soon as a decision is made.

## 4. Reminders

Shortly after the expiration of 18 months from the priority date, the international application will be published by the International Bureau. If the applicant wishes to avoid or postpone publication, a notice of withdrawal of the international application, or of the priority claim, must reach the International Bureau as provided in Rules 90bis.1 and 90bis.3, respectively, before the completion of the technical preparations for international publication.


The applicant may submit comments on an informal basis on the written opinion of the International Searching Authority to the International Bureau. The International Bureau will send a copy of such comments to all designated Offices unless an international preliminary examination report has been or is to be established. These comments would also be made available to the public but not before the expiration of 30 months from the priority date.

Within 19 months from the priority date, but only in respect of some designated Offices, a demand for international preliminary examination must be filed if the applicant wishes to postpone the entry into the national phase until 30 months from the priority date (in some Offices even later); otherwise, the applicant must, within 20 months from the priority date, perform the prescribed acts for entry into the national phase before those designated Offices.

In respect of other designated Offices, the time limit of 30 months (or later) will apply even if no demand is filed within 19 months.

See the Annex to Form PCT/IB/301 and, for details about the applicable time limits, Office by Office, see the PCT Applicant's Guide, Volume II, National Chapters and the WIPO Internet site.

Name and mailing address of the International Searching Authority

 European Patent Office, P.B. 5818 Patentlaan 2  
NL-2280 HV Rijswijk  
Tel. (+31-70) 340-2040, Tx. 31 651 epo nl,  
Fax: (+31-70) 340-3016

Authorized officer

Laure Acquaviva

DOCKETED

By

Date

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## NOTES TO FORM PCT/ISA/220

These Notes are intended to give the basic instructions concerning the filing of amendments under article 19. The Notes are based on the requirements of the Patent Cooperation Treaty, the Regulations and the Administrative Instructions under that Treaty. In case of discrepancy between these Notes and those requirements, the latter are applicable. For more detailed information, see also the *PCT Applicant's Guide*, a publication of WIPO.

In these Notes, "Article", "Rule", and "Section" refer to the provisions of the PCT, the PCT Regulations and the PCT Administrative Instructions, respectively.

### INSTRUCTIONS CONCERNING AMENDMENTS UNDER ARTICLE 19

The applicant has, after having received the international search report and the written opinion of the International Searching Authority, one opportunity to amend the claims of the international application. It should however be emphasized that, since all parts of the international application (claims, description and drawings) may be amended during the international preliminary examination procedure, there is usually no need to file amendments of the claims under Article 19 except where, e.g. the applicant wants the latter to be published for the purposes of provisional protection or has another reason for amending the claims before international publication. Furthermore, it should be emphasized that provisional protection is available in some States only (see *PCT Applicant's Guide*, Annexes B1 and B2).

The attention of the applicant is drawn to the fact that amendments to the claims under Article 19 are not allowed where the International Searching Authority has declared, under Article 17(2), that no international search report would be established (see *PCT Applicant's Guide*, Volume I/A, paragraph 296).

#### What parts of the international application may be amended?

Under Article 19, only the claims may be amended.

During the international phase, the claims may also be amended (or further amended) under Article 34 before the International Preliminary Examining Authority. The description and drawings may only be amended under Article 34 before the International Examining Authority.

Upon entry into the national phase, all parts of the international application may be amended under Article 28 or, where applicable, Article 41.

#### When?

Within 2 months from the date of transmittal of the international search report or 16 months from the priority date, whichever time limit expires later. It should be noted, however, that the amendments will be considered as having been received on time if they are received by the International Bureau after the expiration of the applicable time limit but before the completion of the technical preparations for international publication (Rule 46.1).

#### Where not to file the amendments?

The amendments may only be filed with the International Bureau and not with the receiving Office or the International Searching Authority (Rule 46.2).

Where a demand for international preliminary examination has been/is filed, see below.

#### How?

Either by cancelling one or more entire claims, by adding one or more new claims or by amending the text of one or more of the claims as filed.

A replacement sheet must be submitted for each sheet of the claims which, on account of an amendment or amendments, differs from the sheet originally filed.

All the claims appearing on a replacement sheet must be numbered in Arabic numerals. Where a claim is cancelled, no renumbering of the other claims is required. In all cases where claims are renumbered, they must be renumbered consecutively (Administrative Instructions, Section 205(b)).

The amendments must be made in the language in which the international application is to be published.

#### What documents must/may accompany the amendments?

##### Letter (Section 205(b)):

The amendments must be submitted with a letter.

The letter will not be published with the international application and the amended claims. It should not be confused with the "Statement under Article 19(1)" (see below, under "Statement under Article 19(1)").

The letter must be in English or French, at the choice of the applicant. However, if the language of the international application is English, the letter must be in English; if the language of the international application is French, the letter must be in French.

## NOTES TO FORM PCT/ISA/220 (continued)

The letter must indicate the differences between the claims as filed and the claims as amended. It must, in particular, indicate, in connection with each claim appearing in the international application (it being understood that identical indications concerning several claims may be grouped), whether

- (i) the claim is unchanged;
- (ii) the claim is cancelled;
- (iii) the claim is new;
- (iv) the claim replaces one or more claims as filed;
- (v) the claim is the result of the division of a claim as filed.

The following examples illustrate the manner in which amendments must be explained in the accompanying letter:

1. [Where originally there were 48 claims and after amendment of some claims there are 51]:  
"Claims 1 to 29, 31, 32, 34, 35, 37 to 48 replaced by amended claims bearing the same numbers; claims 30, 33 and 36 unchanged; new claims 49 to 51 added."
2. [Where originally there were 15 claims and after amendment of all claims there are 11]:  
"Claims 1 to 15 replaced by amended claims 1 to 11."
3. [Where originally there were 14 claims and the amendments consist in cancelling some claims and in adding new claims]:  
"Claims 1 to 6 and 14 unchanged; claims 7 to 13 cancelled; new claims 15, 16 and 17 added." or  
"Claims 7 to 13 cancelled; new claims 15, 16 and 17 added; all other claims unchanged."
4. [Where various kinds of amendments are made]:  
"Claims 1-10 unchanged; claims 11 to 13, 18 and 19 cancelled; claims 14, 15 and 16 replaced by amended claim 14; claim 17 subdivided into amended claims 15, 16 and 17; new claims 20 and 21 added."

### "Statement under article 19(1)" (Rule 46.4)

The amendments may be accompanied by a statement explaining the amendments and indicating any impact that such amendments might have on the description and the drawings (which cannot be amended under Article 19(1)).

The statement will be published with the international application and the amended claims.

**It must be in the language in which the international application is to be published.**

It must be brief, not exceeding 500 words if in English or if translated into English.

It should not be confused with and does not replace the letter indicating the differences between the claims as filed and as amended. It must be filed on a separate sheet and must be identified as such by a heading, preferably by using the words "Statement under Article 19(1)."

It may not contain any disparaging comments on the international search report or the relevance of citations contained in that report. Reference to citations, relevant to a given claim, contained in the international search report may be made only in connection with an amendment of that claim.

### Consequence if a demand for international preliminary examination has already been filed

If, at the time of filing any amendments and any accompanying statement, under Article 19, a demand for international preliminary examination has already been submitted, the applicant must preferably, at the time of filing the amendments (and any statement) with the International Bureau, also file with the International Preliminary Examining Authority a copy of such amendments (and of any statement) and, where required, a translation of such amendments for the procedure before that Authority (see Rules 55.3(a) and 62.2, first sentence). For further information, see the Notes to the demand form (PCT/PEA/401).

If a demand for international preliminary examination is made, the written opinion of the International Searching Authority will, except in certain cases where the International Preliminary Examining Authority did not act as International Searching Authority and where it has notified the International Bureau under Rule 66.1bis(b), be considered to be a written opinion of the International Preliminary Examining Authority. If a demand is made, the applicant may submit to the International Preliminary Examining Authority a reply to the written opinion together, where appropriate, with amendments before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later (Rule 43bis.1(c)).

### Consequence with regard to translation of the international application for entry into the national phase

The applicant's attention is drawn to the fact that, upon entry into the national phase, a translation of the claims as amended under Article 19 may have to be furnished to the designated/elected Offices, instead of, or in addition to, the translation of the claims as filed.

For further details on the requirements of each designated/elected Office, see the *PCT Applicant's Guide*, Volume II.

# PATENT COOPERATION TREATY

# PCT

## INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

Applicant's or agent's file reference  30627/282653	<b>FOR FURTHER ACTION</b>  see Form PCT/ISA/220 as well as, where applicable, item 5 below.	
International application No.  PCT/US2004/031910	International filing date (day/month/year)  29/09/2004	(Earliest) Priority Date (day/month/year)  30/09/2003
Applicant  R. J. REYNOLDS TOBACCO COMPANY		

This International Search Report has been prepared by this International Searching Authority and is transmitted to the applicant according to Article 18. A copy is being transmitted to the International Bureau.

This International Search Report consists of a total of 8 sheets.



It is also accompanied by a copy of each prior art document cited in this report.

**1. Basis of the report**

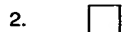
- a. With regard to the **language**, the international search was carried out on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.



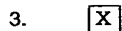
The international search was carried out on the basis of a translation of the international application furnished to this Authority (Rule 23.1(b)).



- b. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, see Box No. I.



2. **Certain claims were found unsearchable** (See Box II).



3. **Unity of invention is lacking** (see Box III).

**4. With regard to the title,**



the text is approved as submitted by the applicant.



the text has been established by this Authority to read as follows:

**5. With regard to the abstract,**



the text is approved as submitted by the applicant.



the text has been established, according to Rule 38.2(b), by this Authority as it appears in Box No. IV. The applicant may, within one month from the date of mailing of this international search report, submit comments to this Authority.

**6. With regard to the drawings,**

- a. the figure of the **drawings** to be published with the abstract is Figure No. 1



as suggested by the applicant.



as selected by this Authority, because the applicant failed to suggest a figure.



as selected by this Authority, because this figure better characterizes the invention.



- b. none of the figures is to be published with the abstract.

FURTHER INFORMATION CONTINUED FROM PCT/ISA/ 210

This International Searching Authority found multiple (groups of) inventions in this international application, as follows:

1. claims: 1, 6-10, 12-16, 18-24

filter with two segments; therebetween an adsorbent material compartment; ventilation holes between this compartment and first segment  
---

2. claims: 2, 3, 11, 17, 25, 26

filter with two segments, semi-permeable barrier dividing the middle adsorbent material compartment in two  
---

3. claims: 4, 27-32

filter with two segments, therebetween adsorbent material compartment and channel in first segment  
---

4. claims: 5, 33-50

filter having segment with breakable capsules and with adsorbent material compartment  
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# INTERNATIONAL SEARCH REPORT

International application No.  
PCT/US2004/031910

## Box II Observations where certain claims were found unsearchable (Continuation of item 2 of first sheet)

This International Search Report has not been established in respect of certain claims under Article 17(2)(a) for the following reasons:

1. ☐ Claims Nos.:  
because they relate to subject matter not required to be searched by this Authority, namely:
2. ☐ Claims Nos.:  
because they relate to parts of the International Application that do not comply with the prescribed requirements to such an extent that no meaningful International Search can be carried out, specifically:
3. ☐ Claims Nos.:  
because they are dependent claims and are not drafted in accordance with the second and third sentences of Rule 6.4(a).

## Box III Observations where unity of invention is lacking (Continuation of item 3 of first sheet)

This International Searching Authority found multiple inventions in this international application, as follows:

see additional sheet

1. ☒ As all required additional search fees were timely paid by the applicant, this International Search Report covers all searchable claims.
2. ☐ As all searchable claims could be searched without effort justifying an additional fee, this Authority did not invite payment of any additional fee.
3. ☐ As only some of the required additional search fees were timely paid by the applicant, this International Search Report covers only those claims for which fees were paid, specifically claims Nos.:
4. ☐ No required additional search fees were timely paid by the applicant. Consequently, this International Search Report is restricted to the invention first mentioned in the claims; it is covered by claims Nos.:

Remark on Protest

- ☐ The additional search fees were accompanied by the applicant's protest.
- ☒ No protest accompanied the payment of additional search fees.

# INTERNATIONAL SEARCH REPORT

International Application No

PCT/US2004/031910

## A. CLASSIFICATION OF SUBJECT MATTER

IPC 7 A24D3/04

According to International Patent Classification (IPC) or to both national classification and IPC

## B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)

IPC 7 A24D

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practical, search terms used)

EPO-Internal, WPI Data, PAJ

## C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	US 5 129 408 A (JAKOB ET AL) 14 July 1992 (1992-07-14) cited in the application	1,6, 8-10, 12-16, 23,24
Y	the whole document column 15, line 30 - line 34 -----	7,19-22
X	EP 0 579 410 A (BRITISH-AMERICAN TOBACCO COMPANY LIMITED) 19 January 1994 (1994-01-19) cited in the application page 2, line 58; figure 2 -----	1,6, 12-15
Y	US 2002/166563 A1 (JUPE RICHARD ET AL) 14 November 2002 (2002-11-14) paragraph '0043! ----- -/--	19-22

☒ Further documents are listed in the continuation of box C.

☒ Patent family members are listed in annex.

### \* Special categories of cited documents:

- \*A\* document defining the general state of the art which is not considered to be of particular relevance
- \*E\* earlier document but published on or after the international filing date
- \*L\* document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)
- \*O\* document referring to an oral disclosure, use, exhibition or other means
- \*P\* document published prior to the international filing date but later than the priority date claimed

- \*T\* later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention
- \*X\* document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone
- \*Y\* document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art
- \*G\* document member of the same patent family

Date of the actual completion of the international search

29 June 2005

Date of mailing of the international search report

13.07.2005

Name and mailing address of the ISA

European Patent Office, P.B. 5818 Patentlaan 2  
NL - 2280 HV Rijswijk  
Tel (+31-70) 340-2040, Tx. 31 651 epo nl,  
Fax (+31-70) 340-3016

Authorized officer

Pille, S

# INTERNATIONAL SEARCH REPORT

International Application No  
PCT/US2004/031910

C.(Continuation) DOCUMENTS CONSIDERED TO BE RELEVANT		
Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
Y	US 2002/020420 A1 (XUE LIXIN LUKE ET AL) 21 February 2002 (2002-02-21) cited in the application table 10	7
A	US 4 481 958 A (RAINER ET AL) 13 November 1984 (1984-11-13) cited in the application the whole document	1,6-9
A	US 6 537 186 B1 (VELUZ SERGE) 25 March 2003 (2003-03-25) cited in the application figure 1	1
A	US 3 894 545 A (CRELLIN ET AL) 15 July 1975 (1975-07-15) figure 1	2,3,11, 17,25,26
A	WO 02/069745 A (PHILIP MORRIS PRODUCTS, INC; JUPE, RICHARD; DWYER, RONALD, WILLIAM; LA) 12 September 2002 (2002-09-12) figures 2-5,8-11	2,3,11, 17,25,26
A	US 5 549 125 A (WHITE ET AL) 27 August 1996 (1996-08-27) figures 1,2	2,3,11, 17,25,26
X	US 6 595 218 B1 (KOLLER KENT B ET AL) 22 July 2003 (2003-07-22) cited in the application column 3, line 12; figure 8 column 5, line 42 - column 6, line 16	4,27,31, 32
A	US 5 360 023 A (BLAKLEY ET AL) 1 November 1994 (1994-11-01) column 2, line 30 - line 41; claim 1; figures 3,5	4,27-32
Y	US 5 724 997 A (SMITH ET AL) 10 March 1998 (1998-03-10) cited in the application claims 1-14	5,33-50
Y	US 2003/106562 A1 (CHATTERJEE INDU BHUSAN) 12 June 2003 (2003-06-12) cited in the application claim 1	5,33-50



# INTERNATIONAL SEARCH REPORT

Information on patent family members

International Application No

PCT/US2004/031910

Patent document cited in search report		Publication date	Patent family member(s)	Publication date
US 5129408	A	14-07-1992	CA 2026539 A1 CN 1050491 A ,C EP 0419975 A2 HU 57562 A2 JP 3180166 A SU 1829919 A3	30-03-1991 10-04-1991 03-04-1991 30-12-1991 06-08-1991 23-07-1993
EP 0579410	A	19-01-1994	AT 145795 T CN 1086108 A ,C DE 69306323 D1 DE 69306323 T2 DK 579410 T3 EP 0579410 A1 ES 2095577 T3 GR 3021910 T3 HU 65088 A2 JP 6098747 A JP 2004000148 A KR 262359 B1 US 5549125 A	15-12-1996 04-05-1994 16-01-1997 03-04-1997 21-04-1997 19-01-1994 16-02-1997 31-03-1997 28-04-1994 12-04-1994 08-01-2004 01-08-2000 27-08-1996
US 2002166563	A1	14-11-2002	US 2004187881 A1 BR 0207439 A CA 2438908 A1 CN 1503637 A CZ 20032140 A3 EA 4840 B1 EP 1377184 A1 HU 0303177 A2 JP 2004535158 T MX PA03007568 A PL 364670 A1 WO 02069745 A1 ZA 200306405 A	30-09-2004 01-06-2004 12-09-2002 09-06-2004 16-06-2004 26-08-2004 07-01-2004 29-12-2003 25-11-2004 11-12-2003 13-12-2004 12-09-2002 04-06-2004
US 2002020420	A1	21-02-2002	US 2003183237 A1 AU 5555001 A BR 0110171 A EA 4755 B1 EP 1276547 A1 HU 0300528 A2 JP 2004521603 T MX PA02009991 A PL 358546 A1 TW 490316 B WO 0180973 A1 ZA 200208403 A	02-10-2003 07-11-2001 05-03-2003 26-08-2004 22-01-2003 28-07-2003 22-07-2004 25-04-2003 09-08-2004 11-06-2002 01-11-2001 11-08-2003
US 4481958	A	13-11-1984	EP 0074201 A2	16-03-1983
US 6537186	B1	25-03-2003	NONE	
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# INTERNATIONAL SEARCH REPORT

Information on patent family members

International Application No

PCT/US2004/031910

Patent document cited in search report	Publication date	Patent family member(s)	Publication date
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WO 02069745	A 12-09-2002	BR 0207439 A CA 2438908 A1 CN 1503637 A CZ 20032140 A3 EA 4840 B1 EP 1377184 A1 HU 0303177 A2 JP 2004535158 T MX PA03007568 A PL 364670 A1 WO 02069745 A1 US 2002166563 A1 US 2004187881 A1 ZA 200306405 A	01-06-2004 12-09-2002 09-06-2004 16-06-2004 26-08-2004 07-01-2004 29-12-2003 25-11-2004 11-12-2003 13-12-2004 12-09-2002 14-11-2002 30-09-2004 04-06-2004
US 5549125	A 27-08-1996	AT 145795 T CN 1086108 A ,C DE 69306323 D1 DE 69306323 T2 DK 579410 T3 EP 0579410 A1 ES 2095577 T3 GR 3021910 T3 HU 65088 A2 JP 6098747 A JP 2004000148 A KR 262359 B1	15-12-1996 04-05-1994 16-01-1997 03-04-1997 21-04-1997 19-01-1994 16-02-1997 31-03-1997 28-04-1994 12-04-1994 08-01-2004 01-08-2000
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# INTERNATIONAL SEARCH REPORT

Information on patent family members

International Application No

PCT/US2004/031910

Patent document cited in search report	Publication date	Patent family member(s)	Publication date
US 5360023	A	EP 0532329 A2	17-03-1993
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		JP 5211861 A	24-08-1993
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		JP 3175968 A	31-07-1991
US 5724997	A	JP 9187266 A	22-07-1997
US 2003106562	A1	CA 2462513 A1	10-04-2003
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